



**OFFICE OF
THE ATTORNEY GENERAL
AUSTIN, TEXAS**

PRICE DANIEL
ATTORNEY GENERAL

May 20, 1947

Hon. Edgar Hutchins,
County Attorney,
Hunt County,
Greenville, Texas

Opinion No. V-212

Re: Construction of Article
4476, Revised Civil
Statutes, 1925, in the
light of S.B. 121, 48th
Leg. relative to the
manufacture of flour
and bread.

Dear Sir:

Your request for an opinion with respect to
the above subject matter is as follows:

"I desire your advice upon the following matter: Article 4476 R.C.S., 1925, was passed by the Legislature in 1923 and provides that anyone manufacturing or selling Self-rising Flour must label the same so as to show the ingredients therein. In 1943, the Legislature passed Senate Bill No. 121 which has to do with the manufacture of flour and bread and provides for the enrichment of flour and bread. The publishers of the annotated statutes of the State of Texas have brought Senate Bill No. 121 forward as Article 4476 R.C.S. The Senate Bill now known as Article 4476 does not, by its terms, repeal Article 4476 R.C.S., 1925, as passed by the Legislature in 1923 and several questions are, therefore, presented and upon which I desire your opinion. (1) whether Article 4476 R.C.S. (the law passed in 1923) was repealed by implication. I am of the opinion that it was not and that the law passed by the Legislature in 1923 as well as the law passed by the Legislature in 1943 should be construed together and that both of them are now in effect. (2) whether if Article 4476 as passed by the Legislature in 1923 was repealed, it is now lawful to manufacture and sell

Self-rising Flour, provided such flour complies with Senate Bill 121 as passed by the Legislature in 1943, that is that such Self-rising Flour contains not only the self-rising ingredients, but is also enriched as provided by said Senate Bill."

Senate Bill No. 121 of the 48th Legislature at its Regular Session, does not expressly repeal Article 4476 of the Revised Civil Statutes, 1925, nor does it purport to be an amendment of that article. On the contrary it is a complete Act within itself, declaring in its emergency clause "that there are no state laws regulating the manufacture, baking, mix, compound, sale or offer for sale for human consumption of flour and bread as defined herein", etc.

Of course, if there is any irreconcilable conflict between Senate Bill 121 and Article 4476, there would be a repeal by implication to the extent only of the conflict. Both laws should therefore stand and be construed together, giving effect to each of them unless there be found an irreconcilable conflict.

In view of what we have said, it becomes unnecessary to answer your second question.

SUMMARY

Article 4476 of the Revised Civil Statutes of Texas, 1925, was not repealed by Senate Bill No. 121 of the 48th Legislature, Regular Session. Both laws stand and should be construed together unless there should be found an irreconcilable conflict, in which event the latest expression of the Legislature would prevail.

Yours very truly,

APPROVED MAY 21, 1947

ATTORNEY GENERAL OF TEXAS

Price Daniel
ATTORNEY GENERAL OF TEXAS

By *Ocie Speer*
Ocie Speer
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OS:wb